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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,460	01/20/2004	Kang Soo Seo	46500-000554/US	7835
30593 7590 12/10/2008 HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195				
EXAMINER				
DUNN, MISHAWN N				
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2621				
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12/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,460

**Applicant(s)**

SEO ET AL.

**Examiner**

MISHAWN DUNN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 4-10, 13, 16 and 19-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 13, 16 and 19-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/08, 10/08, 10/08, 11/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/10/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2, 4-10, 13, 16, and 19-54 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 2, 4-10, 13, and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The "physical computer

readable medium" as recited in claims 1, 2, 4-10, 13, and 16 is not supported in the specification.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4-7, 9, 10, 13, 16, 19, 20, 24-26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50 and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (US Pub. No. 2005/0019007).

7. Consider claim 1. Kato et al. teaches a physical computer readable medium having an executable data structure for managing reproduction of still images by a reproducing apparatus (para. 0020), comprising: a data area storing presentation data in a first clip file and audio data in a second clip file (fig. 7), the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (paras. 0225-0231); and a navigation area storing at least one playlist file, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first clip file for reproducing the presentation data, the sub-

playitem indicating in-point and out-point of the second clip file for reproducing the audio data (fig. 7).

8. Consider claim 4. Kato et al. teaches the physical computer readable medium of claim 1, wherein the presentation data is multiplexed into a transport stream (para. 0177).

9. Consider claim 5. Kato et al. teaches the physical computer readable medium of claim 4, wherein the presentation data is multiplexed into a transport stream on a still picture unit by still picture unit basis (para. 0177).

10. Consider claim 6. Kato et al. teaches the physical computer readable medium of claim 5, wherein each still picture unit is aligned with a physical recording unit of the physical computer readable medium (fig. 13).

11. Consider claim 7. Kato et al. teaches the physical computer readable medium of claim 6, wherein the physical computer readable medium is an optical disk and the physical recording unit is one of a sector and an error correction code block (para. 0177; fig. 0647).

12. Consider claim 9. Kato et al. teaches the physical computer readable medium of claim 5, further comprising: at least one navigation area including a clip information file, the clip information file including at least one entry point map, the entry point map including at least one entry point providing at least an address of a still picture in the transport stream (para. 0233).

13. Consider claim 10. Kato et al. teaches the physical computer readable medium of claim 5, wherein the entry point map includes an entry point associated with each still picture unit (para. 0233).

14. Consider claim 13. Kato et al. teaches the physical computer readable medium of claim 12, wherein each still picture unit includes one packet from each packetized elementary stream (para. 0003).

15. Consider claim 16. Kato et al. teaches the physical computer readable medium of claim 1, wherein each still picture unit includes only one still picture (para. 0225).

16. Consider claim 21. Kato et al. teaches an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, comprising: a pick up configured to record data on the recording medium (fig. 1); a controller configured to control pick up to record presentation data in a first clip file and audio data in a second clip file on the recording medium (fig. 7), the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (paras. 0225-0231); and the controller configured to control the pick up to record at least one playlist file, the playlist file including at least one playitem and at least on sub-playitem, the playitem indicating in-point and out-point of the first clip file for reproducing the presentation data, the sub-playitem indicating in-point and out-point of the second clip file for reproducing the audio data (fig. 7).

17. Consider claim 22. Kato et al. teaches an apparatus for reproducing a data structure for managing reproduction of at least one still image recorded on a recording

medium, comprising: a pick up configured to reproduce data recorded on the recording medium (fig. 1); a controller configured to control the pick up to reproduce presentation data in a first clip file and audio data in a second clip file from the recording medium (fig. 7), the presentation data being divided into a number of still picture units, each still picture unit including at least one still picture and associated related data, the related data not including audio data (paras. 0225-0231); and the controller configured to control the pick up to record at least one playlist file, the playlist file including at least one playitem and at least one sub-playitem, the playitem indicating in-point and out-point of the first clip file for reproducing the presentation data, the sub-playitem indicating in-point and out-point of the second clip file for reproducing the audio data (fig. 7).

18. Claims 19, 20, 24-26, 28-30, 32-34, 36-38, 40-42, 44-46, 48-50 and 52-54 are rejected using similar reasoning as the corresponding claims above.

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 2, 8, 23, 27, 31, 35, 39, 43, 47, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (US Pub. No. 2005/0019007) in view of Kato (U.S. Patent Number 7,224,890).

21. Consider claim 2. Kato et al. teaches all claimed limitations as stated above, wherein the related data in at least one still picture unit includes graphics data and/or subtitle data.

However, Kato teaches wherein the related data in at least one still picture unit includes graphics data and/or subtitle data (col. 16, lines 32-36; fig. 2B).

Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to include graphics data and subtitle data in the still picture unit, in order to efficiently display captioning.

22. Consider claim 8. Kato et al. teaches all claimed limitations as stated above, except wherein at least on physical recording unit not filled by the associated still picture unit is filled with stuffed data.

However, Kato teaches a recording medium wherein at least on physical recording unit not filled by the associated still picture unit is filled with stuffed data (col. 14, lines 48-57; fig. 16).

Therefore, it would have been obvious to one of ordinary skill, at the time of the invention, to incorporate filling of the physical recording unit with stuffed data, in order to be able to keep the contingency of the consecutive still picture units.

23. Claims 23, 27, 31, 35, 39, 43, 47, and 51 are rejected using similar reasoning as the corresponding claim above.

### ***Conclusion***



Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
November 20, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621